

E-FILED 3/9/2009

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FELTON SPEARS, JR. and SIDNEY SCHOLL,
on behalf of themselves and all others similarly
situated,

No. C08-00868 RMW (HRL)

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFFS' MOTION
FOR JURISDICTIONAL DISCOVERY**

Plaintiffs,

v.

WASHINGTON MUTUAL, INC.; FIRST
AMERICAN EAPPRAISEIT, and LENDER'S
SERVICE, INC.,

[Re: Docket No. 97]

Defendants.


Before this court is plaintiffs' motion for leave to conduct jurisdictional discovery as to defendant Lender's Service, Inc. ("LSI"). The motion was brought as an alternative motion in the event the presiding judge was inclined to grant LSI's then-pending motion to dismiss challenging plaintiffs' standing to pursue the instant action. For reasons beyond this court's control, plaintiffs' discovery motion remained in limbo for several months¹ and eventually was re-set for a March 10, 2009 hearing. The presiding judge has just granted LSI's motion to dismiss with leave to amend. (Docket No. 147). Thus, there currently is no extant pleading as to LSI.

¹ This case was stayed for several months after the FDIC was appointed receiver for Washington Mutual Bank.

1 Accordingly, plaintiffs' motion for leave to conduct jurisdictional discovery is denied
2 without prejudice to renew the motion should the circumstances warrant. The motion hearing
3 set for March 10, 2009 is vacated.

4 SO ORDERED.

5 Dated: March 9, 2009



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

5:08-cv-868 Notice electronically mailed to:

Angela M. Papalaskaris apapalas@dl.com, courtalert@dl.com

Christopher J Clark cjclark@dl.com

David A. Super david.super@bakerbotts.com

Ira Spiro Ira@SpiroMoss.com

James Mark Moore mark@spiromoss.com, cole@spiromoss.com

Janet Lindner Spielberg jlspielberg@jlslp.com

Jeffrey D. Rotenberg jrotenberg@tpw.com

Jonathan Mark Lloyd jonathanlloyd@dwt.com, jonathanlloyd@dwt.com,
jeannecadley@dwt.com

Joseph N. Kravec , Jr jnk@ssem.com

Kerry Ford Cunningham kerry.cunningham@dlapiper.com

Kevin C Wallace kwallace@dl.com

Kris Hue Chau Man kman@dl.com, sholstrom@dl.com

Laura Jean Fowler lfowler@mhalaw.com, docket@mhalaw.com, ljones@mhalaw.com

Margaret Anne Keane mkeane@dl.com

Martin L. Fineman martinfineman@dwt.com, edithshertz@dwt.com

Michael David Braun service@braunlawgroup.com

Michael T. Fogarty tfogarty@mhalaw.com, ahartman@mhalaw.com, docket@mhalaw.com

Patrick J. Smith psmith@tpw.com

Richard F. Hans rhans@tpw.com, mmuller@tpw.com

Robert Ira Spiro ira@spiromoss.com, cole@spiromoss.com

Robert J. Pfister rpfister@stblaw.com, gdmiller@stblaw.com

Ryan E. Bull Ryan.Bull@bakerbotts.com

Sam N. Dawood samdawood@dwt.com, allanpatterson@dwt.com, pammaiwandi@dwt.com

Stephen M. Ng stephen.ng@bakerbotts.com

Stephen Michael Rummage steverummage@dwt.com, jeannecadley@dwt.com

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